

S/N: 09/681,784  
Reply to Office Action of July 18, 2005

Atty Dkt No. 81048308 / FMC 1339 PUSP

**Amendments to the Drawings:**

The attached drawing sheet includes a change to Fig.4 to incorporate the Examiner's request of the label "Figure 4". This sheet replaces the original drawing sheet and is labeled sheet 4/5. A formal set of drawings will be forthcoming.

Attachment: Replacement Sheet 4/5

Annotated Sheet Showing Changes

## **Remarks**

The Applicant would like to thank Examiner Bylciw for his thorough examination of the above-referenced patent application. Below, the Applicant takes each matter raised in the Examiner's Office Action in turn.

### **Examiner's Note Regarding Claim 20**

The Examiner commented that claim 20 uses "means for" terminology, but that the claim has not been examined pursuant to 35 U.S.C. 112, ¶ 6. By using this language, the Applicant intended to invoke statutory construction under 35 U.S.C. 112, ¶6, which is respectfully requested. The structure for performing each function recited in claim 20 is described on pages 14, lines 14-31, and illustrated in Figure 4 (illustrating items 60-68). As described below, claim 20 has been amended to overcome the prior art cited in the Examiner's Office Action.

### **Amendments To The Drawings**

The Examiner has requested the addition of the label "Figure 4" to the drawing showing items 60-68. The Applicant has enclosed a redlined version of this figure to informally record this revision. A complete set of formal drawings will be forthcoming.

### **Amendments To The Specification**

The Examiner has requested two revisions relating to the use of trademarks in the specification. The Applicant has made each of the requested revisions.

### **Amendments To The Claims**

The Examiner has rejected all pending claims under 35 U.S.C. 103(a) over Saba taking Official Notice (claims 1-9, 13, 15-16, 18, 20), over Saba in view of Collegebytes.com (claims 10, 17, 19), and over Saba in view of Tuttle (claims 11-12, 14).

The Applicant has amended independent claims 1, 15 and 20 to recite subject matter that is not taught or suggested by the Saba references, Collegebytes.com, Tuttle, or any

other prior art of record. More specifically, the independent claims have been amended to recite the following additional steps:

dynamically querying a database of available learning solutions to locate a learning solution that (i) is currently a best-in-class learning solution for reducing the at least one competency gap, and (ii) best matches the employee's preferred method of learning; and

automatically defining a development plan for the employee including learning solution identified with the dynamic query.

These steps are described on page 9 of the specification, and with reference, generally, to Figure 1, block 20.

#### **Requirement For Information Under 37 C.F.R. §1.105**

On page 12 of the Office Action, the Examiner indicates that there was enclosed with the Office Action a request for information under 37 C.F.R. §1.105. The Applicant was unable to locate any such request enclosed with the Office Action materials, prior art, etc. The Examiner may contact the Applicant's counsel, John LeRoy, with any request for additional information that he may have.

#### **Summary**

The Applicant has made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

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No additional fee is believed to be due as the result of the filing of this paper. However, any additional fees or credits should be applied to Deposit Account 06-1510 (Ford Global Technologies, Inc.). A duplicate of this page is enclosed for that purpose.

Respectfully submitted,

**Edward Alun Sketch**

By   
John S. Le Roy

Reg. No. 48,158

Attorney/Agent for Applicant

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**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351